

LAW OFFICES OF
DRATEL & LEWIS

29 BROADWAY
Suite 1412
NEW YORK, NEW YORK 10006

TELEPHONE (212) 732-0707
FACSIMILE (212) 571-3792
E-MAIL: jdratel@dratellewis.com

JOSHUA L. DRATEL
LINDSAY A. LEWIS

—
AMY E. GREER

FATOUMATA MAGASSA
Paralegal

November 28, 2022

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
Daniel P. Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Pham,*
12 Cr. 423 (RMB)

Dear Judge Nathan:

This letter is submitted on behalf of defendant Minh Quang Pham, whom Bobbi C. Sternheim, Esq., and I represent in the above-entitled matter, and for the reasons set forth below respectfully requests an adjournment of the conference scheduled for this Wednesday, November 30, 2022, at noon. I have been in contact with Assistant United States Attorney David W. Denton, Jr., and he has informed me the government does not object to this application.

The adjournment is requested because last week the government provided a written proposed plea agreement that conforms with the terms the parties had agreed upon informally. However, Ms. Sternheim and I have not been able to speak to Mr. Pham and review the written agreement with him. We contacted ADX Florence (“ADX”) and requested a legal call with Mr. Pham as soon as the government’s offer was communicated in writing, but have yet to hear back from ADX regarding a date and time for the call. In any event, it will not be before this Wednesday, thus obviating the need for the conference (since it is anticipated that Mr. Pham will be pleading guilty at the next appearance).

It is also respectfully requested that the next appearance (the guilty plea) be adjourned until March 2023 because while Mr. Pham will be requesting a remote proceeding, the government will be objecting thereto because it expects that the Standing Order in the Southern District of New York that authorizes remote proceedings will expire and not be renewed. Even if

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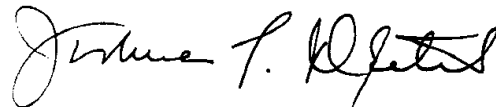
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that does occur, there are compelling and particular reasons for Mr. Pham's proceedings to be conducted remotely (at least for him). However, Ms. Sternheim and I respectfully request that the formal request for a remote proceeding, in which we will detail those reasons, be deferred until we speak to Mr. Pham to ensure that the information in the application is complete, current, and accurate. Once we speak to Mr. Pham, we can submit a letter within a matter of days (and the government can respond in opposition).

In addition, should the Court deny Mr. Pham's request, it may take some time for him to be transferred from ADX to the Metropolitan Detention Center ("MDC"). Experience teaches that building in a sufficient interval to account for prisoner movement (and renewal of contact with counsel in advance of the plea proceeding) often avoids the need for further adjournments in the future. Moreover, Mr. Pham consents to exclusion of time pursuant to the Speedy Trial Act until the next court appearance (remote or otherwise).

Accordingly, it is respectfully requested that the Court adjourn this Wednesday's conference, and schedule the next proceeding for sometime in March 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua L. Dratel", written in a cursive style.

Joshua L. Dratel

JLD/